IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

WP(C).No. 17380 of 2007(R)

TOP.318/2006 of D.C. & SESSIONS COURT, ERNAKULAM
OS.1305/2006 of PRL.M.C.,ERNAKULAM

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PETITIONER:

FR.ISSAC MATTUMMAL @ MOHAN KATHANAR,
S/O.MATHAI, AGED 54 YEARS, MATTUMMAL HOUSE,
MULANTHURUTHY P.O., MULANTHURUTY VILLAGE,
ERNAKULAM DISTRICT.

BY ADV. SRI.BIJU ABRAHAM
SRI.B.G.BHASKAR

RESPONDENTS:

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1. FR.JOHN PUNNACHALIL,
PUNNACHALIL HOUSE, KANDANADU, MANAKKUNNAM VILLAGE,
KANDANAD DESOM, KANAYANNUR TALUK, ERNAKULAM DIST.

2. THAMBU GEORGE, PULIYATTUTHUKALAM,
MULANTHURUTHY DESOM, MULANTHURUTHY VILLAGE,
KANAUYANNUR TALUK, ERNAKULAM.

BY ADV. SRI.K.J.KURIACHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: A TRUE COPY OF THE TRANSFER APPLICATION SUBMITTED BY THE PETITIONER AS TRANSFER O.P NO: 318/2006 BEFORE THE DIST COURT, ERNAKULAM DT. 27.11.2006

EXT.P2: -DO- OF THE ORDER DT. 23.5.2007 IN TOP NO: 318/2006 ON THE FILES OF THE DIST. COURT, ERNAKULAM

jj /TRUE COPY/

P.A. TO JUDGE

M.N. KRISHNAN, J.

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W.P.C. NO. 17380 OF 2007

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Dated this the 17th day of October, 2007.

J U D G M E N T

This writ petition is filed against the order in TOP 318/06. An application for transfer of the suit pending before the Munsiff Court to the I Addl. District Court was filed contending that it has to be tried along with the application pending before the I Addl. District Court. The Court below has found that no suit is pending before the District Court and therefore no joint trial is required. So there is no point in entertaining the TOP on that ground. Therefore, I do not find any ground to interfere with the order of the District Judge on that ground. If the transfer petitioner has got a grievance that matter has to be tried by the I Addl. District Judge and that Court is having jurisdiction to try church

cases and the vested power is still there for that Court, this order will not debar the revision petitioner from moving this Court for transfer of the case in accordance with law.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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